



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 20 2002

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
CERTIFIED MAIL #7003 2260 0005 1961 1896

In Reply Refer to:
EPA File No. **14R-00-R2**

Jerome Balter, Director
Environmental Law Project
Public Interest Law Center of Philadelphia
125 Ninth Street, Suite 700
Philadelphia, PA 19107

Re: REJECTION WITHOUT PREJUDICE OF ADMINISTRATIVE COMPLAINT

Dear Mr. Balter:


On June 26, 2002, the South Camden Citizens in Action re-filed an administrative complaint with the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR). The complaint alleges that the New Jersey Department of Environmental Protection violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI), and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7. This is to notify you that OCR is rejecting your complaint without prejudice due to ongoing litigation.

Standard practice is to not process administrative complaints that are in active litigation. Even though the current lawsuit pending before the NJ District Court alleges *intentional* discrimination, and the Title VI administrative complaint pending before OCR alleges *disparate impact*, the facts, circumstances and assertions of the judicial and administrative complaints are so closely intertwined that the court's decision in the judicial complaint may be dispositive as to the administrative complaint. Therefore, OCR will not accept your administrative complaint at this time.

This complaint may be re-filed within a reasonable time period, generally no more than 60 calendar days after the conclusion of the current litigation. However, OCR may choose not to proceed with a complaint investigation if the allegations in this complaint were substantively decided by the courts.

If you have any questions, please contact Yasmin Yorker, Assistant Director, External Compliance Program, OCR with any questions, by telephone at (202) 343-9682, by e-mail at yorker.yasmin@epa.gov or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave. NW., Washington, D.C. 20460.

Sincerely,



Karen D. Higginbotham
Director

cc: Bradley M. Campbell, Commissioner
New Jersey Department of Environmental Protection
P.O. Box 402
401 E. State Street, 7th Floor
Trenton, NJ 08625-0402

Daniel Isales, Title VI Coordinator
EPA Region 3

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2311)